Matter of A-C-V-M-, Respondent

Decided November 12, 2026

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

(1) The proposed group of "Guatemalan women without partners" lacks particularity and social distinction and is therefore not a cognizable particular social group.

(2) An imputed opinion about social or societal conventions, without any relation to the government, does not qualify as an imputed political opinion. *Matter of D-G-E-A- & N-G-G-E-*, 29 I&N Dec. 570 (BIA 2026), reaffirmed.

FOR THE RESPONDENT: Pro se

FOR THE DEPARTMENT OF HOMELAND SECURITY: Melissa Fox, Assistant Chief Counsel

BEFORE: Board Panel: CREPPY and HUNSUCKER, Appellate Immigration Judges, WHITE, Temporary Appellate Immigration Judge.

CREPPY, Appellate Immigration Judge:

The Department of Homeland Security ("DHS") appeals the Immigration Judge's November 4, 2022, decision granting the respondent's application for asylum under section 208(b)(1)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1158(b)(1)(A) (2024).[1] The respondent, a native and citizen of Guatemala, did not respond to the appeal. The appeal will be sustained.

The respondent's asylum claim is based on experiencing harassment by men in Guatemala. She testified that a man with a motorcycle once grabbed her on her shoulder and waist and tried to get her onto the motorcycle and that other men tried to hug her or put their hands on her without her consent. The Immigration Judge granted asylum, concluding that the respondent had established past persecution on account of her membership in the particular

[1] The respondent withdrew her applications for withholding of removal under section 241(b)(3)(A) of the INA, 8 U.S.C. § 1231(b)(3)(A) (2024), and protection under the regulations implementing the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994).

social group of "Guatemalan women without partners" and on account of a political opinion.[2] DHS challenges these determinations on appeal.

The respondent articulated proposed particular social groups of "Guatemalan women" and "Guatemalan women without partners." Individuals seeking asylum based on membership in a particular social group must establish that their proposed group is "(1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question." *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014). We agree with the Immigration Judge that "Guatemalan women" is not cognizable because it is overbroad and lacks particularity. *See Chavez-Chilel v. Att'y Gen. U.S.*, 20 F.4th 138, 146 (3d Cir. 2021) ("Substantial evidence supports the BIA's and [Immigration Judge's] finding that 'Guatemalan women' is not a cognizable [particular social group]."); *Matter of K-E-S-G-*, 29 I&N Dec. 145, 151 (BIA 2025) (holding that "a particular social group defined by the alien's sex or sex and nationality, standing alone, is overbroad and insufficiently particular to be cognizable under the INA").

However, the Immigration Judge erred as a legal matter in determining that "Guatemalan women without partners" is a cognizable particular social group. The Immigration Judge found that the group is immutable, socially distinct, and particular but did not explain any of those determinations. We review de novo whether a proposed particular social group is cognizable, *Matter of K-E-S-G-*, 29 I&N Dec. at 147, and we conclude that this proposed group is not.

We agree with DHS that the group lacks particularity. For a group to have particularity, it "must be defined by characteristics that provide a clear benchmark for determining who falls within the group." *Matter of M-E-V-G-*, 26 I&N Dec. at 239. It "must also be discrete and have definable boundaries—it must not be amorphous, overbroad, diffuse, or subjective." *Id.* Here, the proposed group is subjective and lacks clear boundaries. The point at which someone is viewed to be a romantic partner of another may change depending on who defines it. For example, unlike marriage, which has a clear legal definition, "partner" may refer to people who are casually dating, in a committed relationship, have a child together, or who are married. As a result, the group lacks clear benchmarks for determining who is a member, and it is not sufficiently particular. *See id.*

[2] The Immigration Judge also determined that the respondent established an exception to the 1-year filing deadline for asylum. DHS does not challenge that determination, so we deem the issue waived. *See Matter of W-E-R-B-*, 27 I&N Dec. 795, 795 n.1 (BIA 2020).

The Immigration Judge also erred in determining that the respondent established that the group was socially distinct. To demonstrate social distinction, an asylum applicant must provide evidence showing that "society in general perceives, considers, or recognizes persons sharing the particular characteristic to be a group." *Matter of W-G-R-*, 26 I&N Dec. 208, 217 (BIA 2014), *vacated in part on other groups sub nom. Reyes v. Lynch*, 842 F.3d 1125 (9th Cir. 2016); *see also Matter of M-E-V-G-*, 26 I&N. Dec. at 240. Social distinction means that the group "must be perceived as a group by society," regardless of whether society can identify the members of the group by sight. *Matter of M-E-V-G-*, 26 I&N Dec. at 240; *see also Matter of W-G-R-*, 26 I&N Dec. at 217 ("Although the society in question need not be able to easily identify who is a member of the group, it must be commonly recognized that the shared characteristic is one that defines the group."). "[S]ocial distinction must generally be measured on a countrywide basis, rather than from the perspective of a neighborhood or other limited geographic location within a country." *Matter of S-E-M-Z-*, 29 I&N Dec. 680, 685 (BIA 2026).

The Immigration Judge in this case did not provide any analysis as to how the proposed group was socially distinct or any underlying factfinding regarding how Guatemalan society perceives the group. The respondent did not make arguments before the Immigration Judge or on appeal about how the group is socially distinct, and, given this lack of explanation, we cannot conclude that it is. *See Matter of W-G-R-*, 26 I&N Dec. at 223 (explaining that "[a]n applicant's burden includes demonstrating the existence of a cognizable particular social group"). The proposed group of "Guatemalan women without partners" lacks particularity and social distinction and is therefore not a cognizable particular social group. *See Matter of M-E-V-G-*, 26 I&N Dec. at 237.

Although the respondent did not seek asylum based on a political opinion, the Immigration Judge also found that the respondent established a nexus between the harm she experienced and a political opinion. The respondent never claimed to have expressed a political opinion to the men who harassed her. Rather, the Immigration Judge found in her decision that the "men could look at her as having an imputed political opinion." *See Ghanem v. Att'y Gen. U.S.*, 14 F.4th 237, 245 (3d Cir. 2021) (explaining that "the nexus requirement may be satisfied by either a 'political opinion the applicant actually holds' or 'one the [persecutor] has imputed to him'" (alteration in original) (quoting *Lukwago v. Ashcroft*, 329 F.3d 157, 181 (3d Cir. 2003))).

The Immigration Judge clearly erred in finding that the men who harassed the respondent were motivated at all by an imputed political opinion that they

believed she held. *See Matter of N-M-*, 25 I&N Dec. 526, 532 (BIA 2011) ("A persecutor's actual motive is a matter of fact to be determined by the Immigration Judge and reviewed by us for clear error."). The Immigration Judge reasoned that the respondent "exercised independence" by walking to school while other women stayed at home and that she "pushed forward determined not to be a victim and to try to create a better life for herself through education." However, there is no indication in the record that the men who harassed the respondent knew that she was walking to school, much less that they viewed her education through any political lens.

The Immigration Judge further reasoned that "the respondent's actions of walking to school through the catcalls, and the groping, and the harassment could be viewed as this defiance of the male dominated social mores" and that the "[r]espondent could be viewed as refusing to acquiesce to the norm of objectification that is popular and rampant in the country of Guatemala and could be viewed as exercising her independence by ignoring these men, attempting to ignore them, attempting to resist them sexually or any unwelcomed sexual behavior." However, this conclusion is based only on the Immigration Judge's speculation, as she pointed to no evidence to support the conclusion that the men viewed the respondent's actions as anything other than a rejection of their advances.

Even if the men did view the respondent's actions as defiance, such an opinion would not qualify as a political opinion as a legal matter. The Board has held that "political opinion under the INA must be tethered to an expression of a belief or conviction regarding a discrete cause related to the government of a country, or . . . a de facto government." *Matter of D-G-E-A- & N-G-G-E-*, 29 I&N Dec. 570, 575–76 (BIA 2026). While the Immigration Judge cited to *Hernandez-Chacon v. Barr*, 948 F.3d 94 (2d Cir. 2020), in support of her decision, that case is not binding precedent within the jurisdiction of the United States Court of Appeals for the Third Circuit, where this case arises. *See Matter of Anselmo*, 20 I&N Dec. 25, 31 (BIA 1989) (explaining that the Board is not bound to follow circuit precedent outside the relevant circuit). The Board has also explicitly considered that case and explained that it did "not believe that the facts of that case sufficiently tie the alien's actions to a belief or conviction that is related to the ruling government or demonstrate that the gang was acting in a governmental capacity." *Matter of D-G-E-A- & N-G-G-E-*, 29 I&N Dec. at 575. An imputed opinion about social or societal conventions, without any relation to the government, does not qualify as an imputed political opinion. *See id.*

As the respondent's proposed particular social groups are not cognizable, she has not established a nexus to an actual or imputed political opinion, and

she has not identified any other protected grounds, the respondent has not shown that the harm she experienced and fears occurred, or would occur in the future, on account of a protected ground. *See* INA § 208(b)(1)(B)(i), 8 U.S.C. § 1158(b)(1)(B)(i). Thus, she is ineligible for asylum. We will vacate the Immigration Judge's grant and order the respondent removed to Guatemala.[3]

ORDER: The appeal is sustained.

FURTHER ORDER: The Immigration Judge's November 4, 2022, order granting asylum under section 208(b)(1)(A) of the INA, 8 U.S.C. § 1158(b)(1)(A), is vacated.

FURTHER ORDER: The respondent is ordered removed to Guatemala.

NOTICE: If a respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for removal by DHS, or conspires to or takes any action designed to prevent or hamper the respondent's departure pursuant to the order of removal, the respondent shall be subject to a civil monetary penalty of up to $998 for each day the respondent is in violation. *See* INA § 274D, 8 U.S.C. § 1324d (2024); 8 C.F.R. § 280.53(b)(14) (2026). Further, any respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than 2 years, or both. *See* INA § 276(a), 8 U.S.C. § 1326(a) (2024).

[3] Because the respondent is ineligible for asylum for the reasons stated, it is not necessary to address any other issues. *See INS v. Bagamasbad,* 429 U.S. 24, 25 (1976) (explaining that, "as a general rule[,] courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach").